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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,649	03/24/2004	Gerhard Gumpoltsberger	ZAHFRI P621US	3912

20210 7590 04/10/2007  
DAVIS & BUJOLD, P.L.L.C.  
112 PLEASANT STREET  
CONCORD, NH 03301

EXAMINER
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LEWIS, TISHA D

ART UNIT	PAPER NUMBER
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3681

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/807,649

Applicant(s)

GUMPOLTSBERGER ET AL.

Examiner

TISHA D. LEWIS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-10, 12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

The following is a response to the after final amendment received on March 20, 2007 which has been entered.

#### ***Response to Amendment***

Claims 8-12, 14 and 15 are pending in the application. Claims 1-7, 13 and 16 are cancelled.

-The information disclosure statement filed December 26, 2006 has been considered.

-The final rejection filed December 14, 2006 has been withdrawn due to applicant canceling claim 16 and amending claim 8 over the prior art of record used in the rejection. However, although claims 8-12, 14 and 15 were indicated as being allowable in the advisory action filed March 6, 2007, upon further consideration, a new ground(s) of rejection is made in view of the information disclosure statement filed December 26, 2006 and another reference discovered upon an update search for issuing the indicated allowable claims.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4041899 in view of DE 4008303 and Gndt ('056). As to

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claims 1, 9 and 10, DE ('899) discloses a transmission having gears that can be realized by several ratio conversion devices (3, 4) that can be engaged via shifting elements (5) for forming flow through the transmission, at least one of the devices is located within a transmission housing (6), the device has a first spur gear (3) supported by a bearing (8) of the conversion device and a second spur gear (4) supported on a countershaft (another shaft 2), the bearing is equipped with a sleeve (10) on which the shifting element (5) is at least partially located. DE ('899) does not disclose that forces are transmitted to the housing via the bearing.

DE ('303) discloses a transmission having gears that can be realized by several ratio conversion devices (16) that can be engaged via shifting elements (15) for forming flow through the transmission, at least one of the devices is located within a transmission housing (20, 30), the device has a bearing (4) wherein an axial force is transmitted to the housing via the device (16) being engaged by the shifting element (15).

Gnandt discloses a transmission having gears that can be realized by several ratio conversion devices that can be engaged via shifting elements for forming flow through the transmission (column 2, lines 22-25), Gnandt discloses that radial and tangential forces can be transmitted to a transmission housing (18) using a radial plate (5) and a tangential bracket (6) connected to the housing when a main gear (4) is shifted for driving a PTO drive (via 1 and 2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide DE ('899) with a force transmitting device

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in view of DE ('303) and Gndt to transmit high torques to the housing to avoid movement of the engaged shaft and/or gears during vehicle operation after shifting. As to claim 12, the shifting elements (5) are positive elements.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4041899 in view of DE 4008303 and Gndt as applied to claims 1 and 10 above, and further in view of Frost. DE 4041899 in view of DE 4008303 and Gndt discloses a transmission, but does not disclose if a summing transmission or power split transmission is used.

Frost discloses a transmission having several power paths in a housing (not referenced) between an input shaft (12) and an output shaft (16) for gear shifting, the transmission has several ratio conversion devices (18, 20) that can be engaged for forming a power flow via shifting elements (50, 56, 64), the conversion devices are at least partially located in the housing. A summing transmission is in the form of a planetary (34). The transmission is a power split countershaft (14) transmission.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide DE 4041899 in view of DE 4008303 and Gndt with a summing and split transmission in view of Frost to provide dissimilar fixed speed ratios that can be used in front or rear wheel vehicles.

***Allowable Subject Matter***

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 571-272-7093. The examiner can normally be reached on M-F 7:30 AM TO 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tdl  
April 8, 2007

  
TISHA LEWIS  
PRIMARY EXAMINER  
Au 3681 4/8/07